

**IN THE UNITED STATES BANKRUPTCY
COURT FOR THE EASTERN DISTRICT OF
PENNSYLVANIA**

IN RE: Cerimile Giovanni : CHAPTER 13
Debtor : BANKRUPTCY NO. 17-16196 MDC

MOTION TO MODIFY CONFIRMED CHAPTER 13 PLAN OF DEBTOR

Debtor, by his attorney, pursuant to 11 U.S.C. §1329 moves this Court for permission to modify her confirmed Chapter 13 Plan and in support thereof states as follows:

1. By Order dated June 20, 2019 the Court confirmed the Debtor's Amended Chapter 13 Plan.
2. The confirmed chapter 13 plan required Debtor to make payments to the Trustee in the amount of \$625 a month for a period of 7 months, \$647 per month for 20 months plus payments of \$974 per month for 33 months for a total Plan of \$49,457.00.
3. At the time Debtor filed this plan, his income consisted of his ownership interest in a Pizza Restaurant in Honeybrook, PA.
4. As the result of the Pandemic Debtor suffered a material loss of income as his restaurant was either closed due to orders of the Commonwealth of Pennsylvania or limited to "take out only" in March of 2020.
5. Because of this material reduction in his income, Debtor was unable to make the monthly payments to the Trustee and is now delinquent in the amount of \$2,618 through January, 2021.

6. Debtor has only recently begun to get full service hours at the restaurant.

7. For this reason Debtor needs to take advantage of the provisions of the CARES Act which permit him to modify his plan to stretch out his payments to a total of up to 84 months.

8. Accordingly, Debtor files this motion seeking the abatement of his arrears in payments to the Trustee and for an order modifying the plan in accordance with the provisions of the proposed order that accompanies this motion.

9. Specifically Debtor seeks to modify his confirmed plan in the following manner:

Modify Section 2(a)(2) of Debtor' confirmed Chapter 13 Plan, dated June 20, 2019, to provide as follows:

Total Base Amount to be paid to the Chapter 13 Trustee ("Trustee")
\$49,457.00.

The Plan payments by Debtor shall consist of the total amount previously paid to the date of this Order (**\$27,359.00.**) added to the new monthly Plan payments in the amount of **\$502.22** commencing **February, 2021** and continuing for 44 months through **September, 2024.**

Modify Section 9(e) of Debtor's Confirmed Chapter

10. The proposed modifications keep the total Plan payments the same but

reduces the monthly payment and extends the time in which Debtor must make them.

11. Debtor's plan as modified would continue to comply with the provisions of 11 U.S.C. Section 1322(a), 1322(b) and 1322(c), as well as with requirements of 11 U.S.C. Section 1325(a), as modified by the provisions in the Cares Act permitting payments to extend over a period of up to 84 months, as opposed to 60.

WHEREFORE, Debtor prays that his arrears be abated and that he be permitted to modify his confirmed chapter 13 Plan as indicated.

Respectfully submitted,

/s/ Gary E. Thompson

GARY E. THOMPSON

Attorney for Debtor

882 S. Matlack Street, Ste 101

West Chester, PA 19382

610-431-3300